

Serial No. 10/753,898
Office Action dated February 17, 2005

REMARKS

Reconsideration is respectfully requested in view of the above amendments and following remarks. Claims 1, 3 and 4 have been amended editorially. No new matter has been added. Claims 1, 3 and 4 are pending.

Claim 1 is objected to for various informalities. Claim 1 has been amended to recite "a cover plate". Applicant asserts the objection is traversed. No new matter has been added. Withdrawal of the objection is respectfully requested.

Claim rejections - 35 U.S.C. § 103

Claims 1, 3 and 4 are rejected under 35 U.S.C. 103(a) as being unpatentable over Martin et al. (US 4,321,887) and further in view of Conley (US 6,810,444). Applicant respectfully traverses the rejection.

Claim 1 is directed to a cage arrangement for poultry having cage batteries arranged above a manure pit. Each battery comprises two cages facing each other such that the two cages facing each other define an open space into which manure is conveyed by manure scrapers, the manure being arranged underneath each cage. The manure scrapers are driven in a back-and-forth manner and are arranged on a traction cable that circulates around idler pulleys, the traction cable being driven by a drive pulley. The claimed invention provides a cage arrangement in which the open space is kept completely free of obstruction so that manure freely falls into the pit and does not contaminate or clog the scrapper arrangement.

The Office Action asserts Martin discloses a manure scraper (auger) arranged in each tier underneath each cage (11-18); an open space between the cages; and a passage in the cover plate (25) of manure pit. The Office Action states Martin does not disclose manure scrapers arranged

Serial No. 10/753,898

Office Action dated February 17, 2005

on a cable that circulates around idler pulleys and driven back and forth. The Office Action asserts Conley, however, discloses scrapers (30) arranged on a cable (66) that circulates around idler pulleys (69) and are driven back and forth and that it would have been obvious to combine the teachings of Martin with Conley. Applicant respectfully disagrees with the above assertions for at least the following reasons.

Martin teaches a cage and manure removal system. The manure scrapers assembly comprises a carriage mounted for movement along a monorail which overlies the cage bank and has a depending post mounting a series of augers adapted to travel along the top surfaces of the dropping boards. As the carriage advances, the augers rotate and the droppings are displaced inwardly on the dropping boards.

A drawback of the Martin arrangement is that the transport devices are complex and expensive. Although they convey manure to the center of the cage bank, the post mounting the series of augers obstructs the center of the cage bank. Furthermore, the falling manure clogs the drive means associated with each auger located in the post.

Conley teaches an automatic dropping pit cleaner. The pit cleaner has scrapers which are driven back and forth. During the forward motion of each scraper assembly toward the litter receiver, located at one end of the pit, the scrapers rotate to a scraping position to move or scrape litter along the pit floor toward the end where the litter receiver is located. During reverse or rearward motion of each scraper assembly, its scrapers rotate to a retracted position to clear so as to be above the litter in the pit, i.e. the scrapers only move the litter in one direction.

As presented above, Martin teaches the complex transport system in which a post is located in the center between the facing cages so as to connect the series of augers in which augers move manure to the center. Conley teaches scrapers attached to a pulley system in which manure is moved to one end of the assembly. Neither Martin nor Conley teach or suggest

Serial No. 10/753,898
Office Action dated February 17, 2005

modifying Martin by replacing the complex augers system of Martin with the scrapper system of Conley. Nor is there any teaching or suggestion by either Martin or Conley as to how Martin would be modified to replace the complex transport system of Martin with the scraper system of Conley. Furthermore, neither Martin nor Conley teach or suggest keeping the open space completely free of obstruction so that manure freely falls into the pit and does not contaminate or clog the scrapper arrangement. Therefore, neither Martin nor Conley, alone or in combination, render the features of claim 1 obvious. Withdrawal of the rejection is respectfully requested.

Claims 3 and 4 depend from independent claim 1. For at least the reasons discussed above for independent claim 1, withdrawal of the rejection of these claims is respectfully requested.

In view of the above amendments and remarks, Applicant respectfully requests a Notice of Allowance. Any questions or concerns regarding this communication can be directed to the attorney-of-record, John J. Gresens, Reg. No. 33,112, at (612) 371-5265.

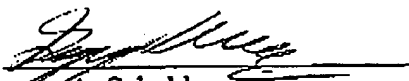
Respectfully submitted,

MERCHANT & GOULD P.C.
P.O. Box 2903
Minneapolis, Minnesota 55402-0903
(612) 332-5300



Dated: May 17, 2005

JJG:GAS:smm

By 
Gregory A. Sebald
Reg. No. 33,280